

SO. CAL. EQUAL ACCESS GROUP
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANA VENTURA,

Plaintiff,

vs.

FRANCISCO FLORES D/B/A JC'S
PIZZA; JON D. PACE, AS TRUSTEE OF
THE JON D. PACE REVOCABLE
TRUST; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;

3. CALIFORNIA'S DISABLED
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY
CODE;

5. NEGLIGENCE

Plaintiff ANA VENTURA ("Plaintiff") complains of Defendants FRANCISCO
FLORES D/B/A JC'S PIZZA; JON D. PACE, AS TRUSTEE OF THE JON D. PACE
REVOCABLE TRUST; and DOES 1 to 10 ("Defendants") and alleges as follows:

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PARTIES

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2 1. Plaintiff is a California resident with a physical disability. Plaintiff is a
3 paraplegic and is substantially limited in her ability to walk. Plaintiff requires the use of a
4 wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,
6 business operators, lessors and/or lessees of the real property for a pizzeria (“Business”) located at or about 2325 W Beverly Blvd., Montebello, California.

7
8 3. The true names and capacities, whether individual, corporate, associate or
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
11 Court to amend this Complaint when the true names and capacities have been
12 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
18 the things alleged herein was acting with the knowledge and consent of the other
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or
21 failure to act by a defendant or Defendants, such allegations and references shall also be
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
27 *seq.*).
28

1 accessible, as there was a bollard obstructing full access to the van
2 accessible aisle.

3 14. These barriers and conditions denied Plaintiff full and equal access to the
4 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and
5 patronize the Business; however, Plaintiff is deterred from visiting the Business because
6 her knowledge of these violations prevents her from returning until the barriers are
7 removed.

8 15. Based on the violations, Plaintiff alleges, on information and belief, that
9 there are additional barriers to accessibility at the Business after further site inspection.
10 Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-
11 Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

12 16. In addition, Plaintiff alleges, on information and belief, that Defendants
13 knew that particular barriers render the Business inaccessible, violate state and federal
14 law, and interfere with access for the physically disabled.

15 17. At all relevant times, Defendants had and still have control and dominion
16 over the conditions at this location and had and still have the financial resources to
17 remove these barriers without much difficulty or expenses to make the Business
18 accessible to the physically disabled in compliance with ADDAG and Title 24
19 regulations. Defendants have not removed such barriers and have not modified the
20 Business to conform to accessibility regulations.

21 **FIRST CAUSE OF ACTION**

22 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

23 18. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
26 shall be discriminated against on the basis of disability in the full and equal enjoyment of
27 the goods, services, facilities, privileges, advantages, or accommodations of any place of
28

1 public accommodation by any person who owns, leases, or leases to, or operates a place
2 of public accommodation. *See* 42 U.S.C. § 12182(a).

3 20. Discrimination, *inter alia*, includes:

- 4 a. A failure to make reasonable modification in policies, practices, or
5 procedures, when such modifications are necessary to afford such
6 goods, services, facilities, privileges, advantages, or accommodations
7 to individuals with disabilities, unless the entity can demonstrate that
8 making such modifications would fundamentally alter the nature of
9 such goods, services, facilities, privileges, advantages, or
10 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 11 b. A failure to take such steps as may be necessary to ensure that no
12 individual with a disability is excluded, denied services, segregated or
13 otherwise treated differently than other individuals because of the
14 absence of auxiliary aids and services, unless the entity can
15 demonstrate that taking such steps would fundamentally alter the
16 nature of the good, service, facility, privilege, advantage, or
17 accommodation being offered or would result in an undue burden. 42
18 U.S.C. § 12182(b)(2)(A)(iii).
- 19 c. A failure to remove architectural barriers, and communication barriers
20 that are structural in nature, in existing facilities, and transportation
21 barriers in existing vehicles and rail passenger cars used by an
22 establishment for transporting individuals (not including barriers that
23 can only be removed through the retrofitting of vehicles or rail
24 passenger cars by the installation of a hydraulic or other lift), where
25 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 26 d. A failure to make alterations in such a manner that, to the maximum
27 extent feasible, the altered portions of the facility are readily
28 accessible to and usable by individuals with disabilities, including

1 individuals who use wheelchairs or to ensure that, to the maximum
2 extent feasible, the path of travel to the altered area and the
3 bathrooms, telephones, and drinking fountains serving the altered
4 area, are readily accessible to and usable by individuals with
5 disabilities where such alterations to the path or travel or the
6 bathrooms, telephones, and drinking fountains serving the altered area
7 are not disproportionate to the overall alterations in terms of cost and
8 scope. 42 U.S.C. § 12183(a)(2).

9 21. Where parking spaces are provided, accessible parking spaces shall be
10 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
11 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
12 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA
13 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
14 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

15 22. Under the ADA, the method and color of marking are to be addressed by
16 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California
17 Building Code (“CBC”), the parking space identification signs shall include the
18 International Symbol of Accessibility. Parking identification signs shall be reflectorized
19 with a minimum area of 70 square inches. Additional language or an additional sign
20 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A
21 parking space identification sign shall be permanently posted immediately adjacent and
22 visible from each parking space, shall be located with its centerline a maximum of 12
23 inches from the centerline of the parking space and may be posted on a wall at the
24 interior end of the parking space. See CBC § 11B-502.6, et seq.

25 23. Moreover, an additional sign shall be posted either in a conspicuous place at
26 each entrance to an off-street parking facility or immediately adjacent to on-site
27 accessible parking and visible from each parking space. The additional sign shall not be
28 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in

1 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in
2 designated accessible spaces not displaying distinguishing placards or special license
3 plates issued for persons with disabilities will be towed away at the owner’s expense...”
4 See CBC § 11B-502.8, et seq.

5 24. Here, Defendants failed to provide the sign with the specific language
6 stating “Unauthorized vehicles parked in designated accessible spaces not displaying
7 distinguishing placards or special license plates issued for persons with disabilities will
8 be towed away at the owner’s expense...”

9 25. Under the 1991 Standards, parking spaces and access aisles must be level
10 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.
11 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles
12 shall be part of an accessible route to the building or facility entrance and shall comply
13 with 4.3. Two accessible parking spaces may share a common access aisle. Parked
14 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces
15 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all
16 directions. 1991 Standards § 4.6.3.

17 26. Here, the access aisle is not level with the parking spaces. Under the 2010
18 Standards, access aisles shall be at the same level as the parking spaces they serve.
19 Changes in level are not permitted. 2010 Standards § 502.4. “Access aisles are required
20 to be nearly level in all directions to provide a surface for transfer to and from vehicles.”
21 2010 Standards § 502.4 Advisory. Id. No more than a 1:48 slope is permitted.

22 27. At least one accessible route shall connect accessible building, facilities,
23 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public
24 accommodation shall maintain in operable working condition those features of facilities
25 and equipment that are required to be readily accessible to and usable by persons with
26 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

1 28. Here, Defendants failed to maintain the facility to be readily accessible as
2 there was a permanent bollard installed within the boundaries of the accessible aisle,
3 obstructing full access to the aisle for its intended purpose.

4 29. A public accommodation shall maintain in operable working condition those
5 features of facilities and equipment that are required to be readily accessible to and usable
6 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

7 30. By failing to maintain the facility to be readily accessible and usable by
8 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related
9 regulations.

10 31. The Business has denied and continues to deny full and equal access to
11 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
12 discriminated against due to the lack of accessible facilities, and therefore, seeks
13 injunctive relief to alter facilities to make such facilities readily accessible to and usable
14 by individuals with disabilities.

15 **SECOND CAUSE OF ACTION**

16 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

17 32. Plaintiff incorporates by reference each of the allegations in all prior
18 paragraphs in this complaint.

19 33. California Civil Code § 51 states, "All persons within the jurisdiction of this
20 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
21 national origin, disability, medical condition, genetic information, marital status, sexual
22 orientation, citizenship, primary language, or immigration status are entitled to the full
23 and equal accommodations, advantages, facilities, privileges, or services in all business
24 establishments of every kind whatsoever."

25 34. California Civil Code § 52 states, "Whoever denies, aids or incites a denial,
26 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable
27 for each and every offense for the actual damages, and any amount that may be
28 determined by a jury, or a court sitting without a jury, up to a maximum of three times the

1 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
 2 attorney's fees that may be determined by the court in addition thereto, suffered by any
 3 person denied the rights provided in Section 51, 51.5, or 51.6.

4 35. California Civil Code § 51(f) specifies, "a violation of the right of any
 5 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
 6 shall also constitute a violation of this section."

7 36. The actions and omissions of Defendants alleged herein constitute a denial
 8 of full and equal accommodation, advantages, facilities, privileges, or services by
 9 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.
 10 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
 11 51 and 52.

12 37. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
 13 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
 14 damages as specified in California Civil Code §55.56(a)-(c).

15 **THIRD CAUSE OF ACTION**

16 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

17 38. Plaintiff incorporates by reference each of the allegations in all prior
 18 paragraphs in this complaint.

19 39. California Civil Code § 54.1(a) states, "Individuals with disabilities shall be
 20 entitled to full and equal access, as other members of the general public, to
 21 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
 22 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,
 23 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
 24 of transportation (whether private, public, franchised, licensed, contracted, or otherwise
 25 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
 26 places of public accommodations, amusement, or resort, and other places in which the
 27 general public is invited, subject only to the conditions and limitations established by
 28 law, or state or federal regulation, and applicable alike to all persons.

1 40. California Civil Code § 54.3(a) states, “Any person or persons, firm or
2 corporation who denies or interferes with admittance to or enjoyment of public facilities
3 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an
4 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
5 the actual damages, and any amount as may be determined by a jury, or a court sitting
6 without a jury, up to a maximum of three times the amount of actual damages but in no
7 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be
8 determined by the court in addition thereto, suffered by any person denied the rights
9 provided in Section 54, 54.1, and 54.2.

10 41. California Civil Code § 54(d) specifies, “a violation of the right of an
11 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
12 constitute a violation of this section, and nothing in this section shall be construed to limit
13 the access of any person in violation of that act.

14 42. The actions and omissions of Defendants alleged herein constitute a denial
15 of full and equal accommodation, advantages, and facilities by physically disabled
16 persons within the meaning of California Civil Code § 54. Defendants have
17 discriminated against Plaintiff in violation of California Civil Code § 54.

18 43. The violations of the California Disabled Persons Act caused Plaintiff to
19 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
20 statutory damages as specified in California Civil Code §55.56(a)-(c).

21 **FOURTH CAUSE OF ACTION**

22 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

23 44. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 45. Plaintiff and other similar physically disabled persons who require the use of
26 a wheelchair are unable to use public facilities on a “full and equal” basis unless each
27 such facility is in compliance with the provisions of California Health & Safety Code §
28

1 19955 et seq. Plaintiff is a member of the public whose rights are protected by the
2 provisions of California Health & Safety Code § 19955 et seq.

3 46. The purpose of California Health & Safety Code § 1995 et seq. is to ensure
4 that public accommodations or facilities constructed in this state with private funds
5 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
6 Title 1 of the Government Code. The code relating to such public accommodations also
7 require that “when sanitary facilities are made available for the public, clients, or
8 employees in these stations, centers, or buildings, they shall be made available for
9 persons with disabilities.

10 47. Title II of the ADA holds as a “general rule” that no individual shall be
11 discriminated against on the basis of disability in the full and equal enjoyment of goods
12 (or use), services, facilities, privileges, and accommodations offered by any person who
13 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
14 Further, each and every violation of the ADA also constitutes a separate and distinct
15 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
16 award of damages and injunctive relief pursuant to California law, including but not
17 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

18 **FIFTH CAUSE OF ACTION**

19 **NEGLIGENCE**

20 48. Plaintiff incorporates by reference each of the allegations in all prior
21 paragraphs in this complaint.

22 49. Defendants have a general duty and a duty under the ADA, Unruh Civil
23 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
24 to the Plaintiff.

25 50. Defendants breached their duty of care by violating the provisions of ADA,
26 Unruh Civil Rights Act and California Disabled Persons Act.

27 51. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff
28 has suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;
2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;
3. Award of all reasonable restitution for Defendants' unfair competition practices;
4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;
5. Prejudgment interest pursuant to California Civil Code § 3291; and
6. Such other and further relief as the Court deems just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: April 11, 2025

SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim
Jason J. Kim, Esq.
Attorneys for Plaintiff